

B1  
a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube adapted to be coupled to the handle assembly, the distal end of the first tube adapted to be coupled to the tissue engaging means, the actuating means extending axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the first tube, the bending moment applied to the first tube ranging between about 6 in-lbs to 27 in-lbs.

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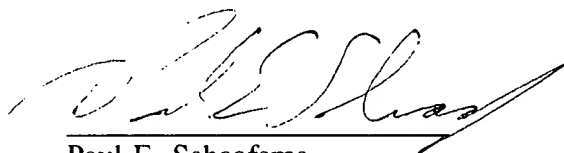
**REMARKS**

Responsive to the Office Action mailed 20 March 2002, the Applicants elect, without traverse, claims 1 - 21. Applicant also amends claim 1 to address the 35 U.S.C. 112 issue identified in the Office Action (a marked-up version is set forth in the Appendix). Please proceed with examination. Applicant, of course, reserves the right to file a divisional application covering the subject matter of the non-elected claims.

The Commissioner is authorized to charge any deficiency in fees or credit any overpayment to Deposit Account No. 06-1450. A duplicate copy of this correspondence is enclosed for such purpose.

Respectfully submitted,

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Paul E. Schaafsma  
Reg. No. 32,664  
FOLEY & LARDNER  
One IBM Plaza  
330 North Wabash Avenue  
Suite 3300  
Chicago, Illinois 60611  
Telephone: 312.755.2610  
Facsimile: 312.755.1925

## APPENDIX

1. (Twice Amended) A malleable shaft member for a surgical device having a tissue engaging means and a handle assembly, and an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means, the shaft member comprising:

a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube adopted to be coupled to the handle assembly, the distal end of the first tube adopted to be coupled to the tissue engaging means, the actuating means extending axially through the first tube, the first tube configured to be kink resistant, fatigue resistant, and to bend about some bending radius in response to a bending moment applied to the first tube, the bending moment applied to the first tube ranging between about 6 in-lbs to 27 in-lbs.